

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1570.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	May 11, 2000
DATE OF REPORT:	June 9, 2000
REQUEST FOR RECONSIDERATION:	yes
DATE OF CLOSURE:	July 13, 2000

COMPLAINT ISSUES:

Whether the Clark-Pleasant Community School Corporation and the Johnson County Special Programs violated:

511 IAC 7-12-2(f) and (g) with regard to the school's alleged failure to make available educational programs and services and nonacademic and extracurricular activities to a student with a disability that are made available to nondisabled students;

511 IAC 7-3-23 with regard to the school's alleged failure to provide a free appropriate public education for a student identified as eligible for special education and related services, specifically, determining the student eligible in 1995, but not providing special education and related services until the 1998-99 school year;

511 IAC 7-12-1(g)(3) with regard to the school's alleged failure to convene a case conference committee meeting at the parent's request; and

511 IAC 7-12-1(j)(4) and 511 IAC 7-12-2(c) with regard to the school's alleged failure to ensure that the case conference committee considered a continuum of placement alternatives in determining the student's placement for the upcoming school year.

FINDINGS OF FACT:

1. The student (the "Student") is seven years old and is eligible for special education and related services as a student with a communication disorder ("CD") and a mild mental handicap ("MiMH") at the local elementary school (the "School").
2. A pre-school intake form was completed by the local pre-school coordinator on December 4, 1995. The Complainant gave written permission on December 15, 1995, for the Student to be individually screened. The case conference committee (the "CCC") met on January 12, 1996, and an interim *IEP* was written indicating that a diagnostic teaching evaluation would be completed while the Student attended the local education center's preschool program. The Complainant gave written permission for the Student to be evaluated. The Student began preschool on January 22, 1996. The Student did not attend preschool between January 29, 1996, and February 22, 1996. The Complainant withdrew the Student from the preschool program on February 26, 1996.
3. On August 28, 1998, the Complainant gave written permission for the Student to be evaluated for special education and related services. The Student was in the kindergarten program at the School

at this time.

4. The CCC met on November 10, 1998, and determined the Student eligible for special education and related services as a student with a MiMH and CD. The Complainant gave written consent for continued placement in the kindergarten program, where she received MiMH services on a consultation basis and resource services for speech. The Student continued in the kindergarten program for the 1998-99 school year. The CCC met on March 23, 1999, and developed an *IEP* for the 1999-2000 school year. The Student began the first grade at the beginning of the 1999-2000 year.
5. The Student's annual case review (the "ACR") was held on March 28, 2000. Page one of the *IEP* written at this meeting indicates that the Student will be attending the School for the 2000-01 school year. The CCC considered three placement alternatives when determining the least restrictive environment for the Student for the 2000-01 school year. A discussion on page 14 of the *IEP* states, "The teachers and [Principal] felt it would be in [Student's] best interest to retain her. After explaining the program and staffing at the [local education center] next year, [Complainant] agreed and signed permission."
6. In a classroom newsletter dated April 21, 2000, the Teacher informed parents that a field trip to the zoo was scheduled for May 22, 2000. The newsletter article stated that permission slips would be sent home as the date for the trip got closer. This newsletter also informed parents that attempts to plan for an additional field trip to a local state park were being made.
7. In a classroom newsletter dated April 28, 2000, the Teacher informed parents of the May 22, 2000 field trip to the zoo. Parents were also informed of a May 25, 2000 field trip to the local state park.
8. In a classroom newsletter dated May 5, 2000, the Teacher informed parents of the May 22, 2000 field trip to the zoo, and the May 25, 2000 field trip to the local state park. This newsletter also reminded parents that the money for both trips was due on May 18, 2000.
9. In a handwritten letter dated May 8, 2000, the Complainant informed the Principal that the Student brought home a letter from the Teacher directing the Complainant to keep the Student home May 22, 24, 25, 30, and 31, 2000.
10. On May 10, 2000, the Principal called the Complainant and informed her that the Student needed to be at School on May 22, 24, 25, 30, and 31, 2000.
11. The Principal telephoned the Complainant on May 18, 2000, reminding the Complainant that the Student's \$8.00 for the upcoming field trips had not been received, and that she wanted to make sure that the Student did not miss the experiences. The Complainant informed the Principal that she had a letter from the Teacher stating that the Student wasn't allowed to go. The Principal then challenged the Complainant and told the Complainant that there was no such letter, and hoped that she would send the money.
12. On May 19, 2000, the Teacher sent a handwritten note to the Complainant regarding the field trips. The note stated, "I wanted to let you know that I still have not received [Student's] field trip fee for Monday and Thursday's trips (5-22 and 5-25). [Student] is looking forward to going to both the zoo and [local state park] with her class. Please contact me if there is a problem with the payment." The Teacher included in the note that she was aware that the Principal had also talked with the Complainant about the trips.
13. The Complainant reported that she kept the Student home from School on May 22, 24, 25, 30, and 31, 2000, as she contends she was instructed in the letter sent by the Teacher. The Complainant

did not submit a letter from the Teacher indicating that she was instructed to keep the Student home on the above-mentioned days.

14. The Student's attendance report indicates that she was absent the following days in May 2000: May 22; 24; 25; and 31. There were field trips on May 22 and 25, 2000. The attendance report indicates that the Student was at School on May 30, 2000.
15. On May 10, 2000, the Director received a letter from the Complainant requesting a CCC meeting. The paperwork completed by the Office secretary indicates that she began scheduling attempts with School personnel on May 11, 2000. On May 12, 2000, she reached the Complainant. May 17, 2000 was the first date proposed to the Complainant for the meeting, but this date was rejected. The Complainant then agreed to conducting the CCC meeting on May 23, 2000.
16. In memorandum dated May 10, 2000, the Director notified the assistant director of special education and the Principal of the Complainant's letter requesting a CCC meeting.
17. On May 10, 2000, the Division received a copy of the Complainant's letter requesting a CCC meeting.
18. The CCC met on May 23, 2000. No changes were made to the goals and objectives developed for the Student at the ACR on March 28, 2000. An addendum was written, and it states, "The 3/28/00 ACR should have reflected [local education center] as the placement school for 00-01." The Complainant again gave written permission for this placement.

CONCLUSIONS:

1. Findings of Fact #6, #7, #8, #9, #10, #11, #12, #13, and #14 indicate that the Student was afforded the same opportunity to participate in nonacademic and extracurricular activities as her nondisabled peers; however, the Complainant chose to keep the Student at home on the days that the field trips were scheduled. No violations of 511 IAC 7-12-2(f) and (g) occurred.
2. Findings of Fact #2 and #3 indicate that the Complainant unilaterally withdrew the Student from the preschool program during the evaluation process, and before eligibility for special education and related services could be determined. It was more than two years later that the evaluation process was again initiated and subsequently completed; therefore, finding the Student eligible for special education and related services. No violation of 511 IAC 7-3-23 occurred.
3. Findings of Fact #15, #16, #17, and #18 indicate that the CCC met within a reasonable time from when the Complainant requested it. No violation of 511 IAC 7-12-1(g)(3) occurred.
4. Findings of Fact #5 and #18 indicate that although the *IEP* written on March 28, 2000 mistakenly included two different placement options, the CCC did reconvene per the Complainant's request to address this matter, and added an addendum to the IEP to correctly reflect the Student's placement for the 2000-01 school year. Further, when the CCC met on March 28, 2000, consideration was given to three placement alternatives, including the one identified in the addendum, when determining the least restrictive environment for the Student. No violations of 511 IAC 7-12-1(j)(4) and 511 7-12-2(c) occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: June 9, 2000